L431 Course Outline

I. The Nature and Sources of International Law

A. The Nature and Importance of International Law

Readings:

Starke: Chapter 1 pp 3-15; 18-27

B. The Sources of International Law

Readings:

Starke: Chapter 2 pp 32-57

Harris: The Asylum Case pp 26- 29
The North Sea Continental Shelf Cases pp29 -40
The Lotus Case pp 253 – 263

II. Treaties and International Agreements

A. General Principles and Interpretation of Treaties

Readings:

Starke: Chapter 16 pp 436-439; 444-476

Harris: Vienna Convention on the Law of Treaties pp 731-732; 744- 753; 780-781; 792 - 794.
Advisory Opinion on Reservations to the Genocide Convention pp 754

III. The Subjects of International Law

Readings:

Starke: Chapter 3 pp 58-70

Harris: Advisory Opinion on Reparations for Injuries Suffered in the Service of the United Nations pp 126-134

IV. International Law and State Law

A. Theories as to the relation between international law and municipal law

Readings:

Starke: Chapter 4 pp 71- 77

B. State Practice

Readings:

Starke: Chapter 4 pp 77- 87

V. The Nature of the State at International Law

Readings:

Starke: Chapter 5 pp 95- 99

A. Rights and Duties of States

Starke: Chapter 5 pp 99-114

Harris: Nicaragua v. United States of America pp 824-842

B. Kinds of States and Non-state entities

Readings:

Starke: Chapter 5 pp 114 - 123

VI. Recognition

Readings:

Starke: Chapter 6 pp 129 - 156

Harris: Luther v. Sagor pp 151 -154

VII. Sovereignty

A. Territorial sovereignty

Readings:

Starke: Chapter 7 pp 157 - 170

Harris: The Western Sahara Case pp 190-192

B. Airspace and Outer Space

Starke: Chapter 7 pp 170 -188

VIII. Jurisdiction

Readings:

A. Territorial Jurisdiction

Starke: Chapter 8 pp 202 – 212; 219 -229

Harris: Luther v. Sagor pp 151 -154

B. Personal Jurisdiction

Readings:

Starke: Chapter 8 pp 232 - 233

C. The Protective Principle/The Universal Principle

Readings:

Starke: Chapter 8 pp 232 – 235

Harris: The Attorney General of the Government of Israel v. Eichmann pp. 266 – 274

Henry J. Steiner & Philip Alston, International Human Rights in Context:
Judgment at Nuremberg 112-126; The Pinochet Litigation pp 1198-1214 (2nd ed. 2000).

D. Aircrafts

Readings:

Starke: Chapter 8 pp 236 – 241

Harris: Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft 1963 pp 278 -280
Hague Convention for the Suppression of Unlawful Seizure of Aircraft 1970 pp 280-283

IX. State Responsibility

A. The Nature of State Responsibility

Readings:

Starke: Chapter 10 pp 293 – 301

Harris: Chorzow Factory Case pp 490 - 492

B. The Treatment of Aliens

Starke: Chapter 10 pp 304 – 312; 314 - 320

Harris: Rakin v. Iran pp 501 – 502

C. Human Rights

Henry J. Steiner & Philip Alston, International Human Rights In Context 1274-1289 (2nd ed. 2000).

X. Settlement of Disputes and The Use of Force

A. Amicable Settlement of International Disputes

Readings:

Starke: Chapter 17 pp 485 – 486; 512-519

Statute of the International Court of Justice

http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0

Harris: Norwegian Loans Case, ICJ Reports 1957 pp 932-939

B. Use of Force

Readings:

Starke: Chapter 18 pp 526 – 540

Harris: The Caroline Case pp 848 - 849

The Kellogg -Briand Pact
http://www.yale.edu/lawweb/avalon/imt/kbpact.htm

The Charter of the League of Nations
Charter of the United Nations Chapter VII
http://www.un.org/en/documents/charter/index.shtml

The "Uniting for Peace" Resolution, 1950
http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/377(V)

Geneva Convention Relative to the Treatment of Prisoners of War
Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 1949
Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)
Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)

Sean D. Murphy, *Assessing the Legality of Invading Iraq*, 92 GEORGETOWN LAW JOURNAL 173 (2004)

Anthony Clark Arend, *International Law and the Recourse to Force: A Shift in Paradigms*, 27 STANFORD JOURNAL OF INTERNATIONAL LAW 1-47 (1990).
http://www.tfasinternational.org/iipes/academics/cmghosn2011readings/july27arendandbeck.pdf

List of Recommended textbooks:

J.G. Starke: Introduction to International law (10th ed., Butterworths 1989)

DJ Harris: Cases and Materials on International Law (4th ed., Sweet & Maxwell)

List of Reference textbooks:

Henry J. Steiner & Philip Alston: International Human Rights in Context (2nd ed. 2000).

Accessing supplemental reading materials. Additional materials in this syllabus are available online and hardcopies will be available in the library.

Assessment: One test (20%); One assignment (20%) and a final examination (60%)

Teaching assistant. The teaching assistant for the course is Mr. L. Zulu.

Office hours. Office is located on 1st Floor Room 102; office hours 12-2 pm Thursday or by appointment.

Contact information. Email: DrICMwanza@gmail.com

Class attendance. Students are expected to attend all class sessions.